

REMARKS

Entry of the Amendment is respectfully requested since it is response, in part, to points raised in the Final Office for the first time. Further, the amendments distinguish the teaching of the applied reference, introduce no new matter and avoid the need for an appeal. Reconsideration is respectfully requested in light of the foregoing amendments and remarks that follow.

Claims 1-20 are before the Examiner. Claims 1, 2, 5-7, 10, 13 and 17-20 have been amended to address points raised in the Office Action. It is noted that the merits of claims 18 and 19 have not been treated on their merits relative to art. It is not clear if this was intentional or not. The Examiner's comments regarding "means" is noted. "Means" language had been employed in claims 13 and 17. Solely to advance prosecution, the term has been deleted from the claims. The equivalents for a driver and ball bearings are readily apparent from the specification and the art at the time of filing.

CLAIM OBJECTIONS

Claims 5 and 13 are objected to by the Examiner. The points raised by the Examiner have been addressed by amendment. Withdrawal of the objection is respectfully requested.

35 U.S. C. § 112

Claims 18-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses.

The phrase identified by the Examiner as not having proper support within the specification has been deleted and replaced with -about 0.04 inches-, which has express support in the specification.

(10/791,847)

Claims 7, 10 and 17 are rejected under 35 U.S.C. 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses.

The Examiner has found numerous instances where he deems there to be insufficient antecedent for designated terms or phrases in claims 7 (“said first and second stationary shafts”), 10 (“said rotatable portions”) and 17 (“said first and second generally cylindrical non-rotating portions”). This has been addressed through amendment by providing proper basis or rendering the antecedent basis more apparent.

In light of these amendments, withdrawal of the rejection is respectfully requested.

35 U.S.C. § 102

Claims 1-17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kishimoto. Applicant respectfully traverses. (Claims 18 and 19 have not been rejected based on art; it is not clear if the Examiner has taken the position that these claims are free of the prior art.)

There are two independent claims, claims 1 and 13. Claim 1 describes a motorized conveyor roller for moving a conveyor where the roller is characterized as having a cylindrical rotatable roller with at least one cylindrical end disengaged from the rotational movement of said rotational roller. Claim 13 describes a motorized conveyor roller for supporting and driving a conveyor medium which has the following elements: (a) a hollow drum defining a rotatable supporting surface having a cylindrical shape disposed between first and second generally cylindrical non-rotational surface; (b) said first and second generally cylindrical non-rotational surfaces co-axially secured to first and second spaced apart stationary shafts respectively; and (c) one end of each of said stationary shafts disposed internally of said hollow drum for carrying drive means for rotating said hollow drum between said first and second spaced apart stationary shafts. Both claims clearly embrace a roller where one or both cylindrical ends are disengaged from the rotational movement of the rotational roller, i.e. stationary relative to the rotating roller itself.

(10/791,847)

Applicant has reviewed the Kishimoto patent and is at a loss to find a teaching of the structure as now claimed. Elements 41 and 42, while they are stationary, are not cylindrical ends. They do not cover the end of the cylindrical tube 16. Further, element 42 does not appear to be an end of the cylindrical structure. Pinion 18 is located outside of it and further down shaft 15 from it. Kishimoto also does not teach a first and second stationary shafts which are fixedly secured to cylindrical ends. Kishimoto shows the end of the shaft 15 as not being fixedly secured relative the bearing 42 or the structure holding the bearing 42.

Further, the Kishimoto system is designed to enable an endless belt and endless chain of a conveyor system to move exactly at the same speed. This aim is achieved by substantially eliminating the frictional resistance between the endless belt and endless chain by applying driving force simultaneously to the endless belt and endless chain. Note figures 3 and 4 and the cooperation of elements 17 and 18 and 20, 22 and 21, respectively. This goal is distinct from that sought by Applicant, which is to enhance safety during operation. See, for example, paragraph bridging pages 2 and 3 of the specification (Intermittent coverage of moving parts as described by the Examiner would not achieve this goal.).

Claim 1

Applicant notes in particular that Kishimoto does not teach a cylindrical rotatable roller having at least one cylindrical end disengaged from the rotational movement of the rotational roller. Kishimoto shows a cylindrical end of the main driving wheel 14 as being rotatable. Also, the cylindrical end of the shaft 15 of Kishimoto is also rotatable. In contrast, Applicant's

cylindrical ends 54 and 55 are stationary and non-rotatable. Further, the shafts 90 and 91 are also non-rotatable, which is clearly taught in the disclosure on page 5, at lines 4-12.¹ In contrast, Applicant discloses and claims a rotatable roller having cylindrical ends disengaged from the rotational movement of the rotational roller. See page 8, line 6-7. Further, Kishimoto does not teach that the cylindrical ends cover the ends of the rotatable portion so as to inhibit contacting the rotatable portion. The structure 42 does not cover the end of the rotatable portion 14.

Claim 13

Furthermore Examiner stated that claims 13 were anticipated by Kishimoto on the basis that Kishimoto discloses a similar motorized conveyor roller. It should be noted that Kishimoto fails to teach a first and second generally cylindrical non-rotatable surfaces co-axially secured to the first and second spaced apart stationary shafts respectively. The shafts in Kishimoto are rotatable relative the structure housing 42.

With respect to claim 20, which depends on claim 13, Kishimoto fails to disclose a method of inhibiting contact with a motorized rotatable conveyor roller. There is no disclosure of selecting the diameter of the rotatable roller so as to contact and drive the conveyor medium while at the same selecting the diameter of the non-rotatable rollers so as not to contact the conveyor medium and “maximize” the coverage of the ends of the rotatable portion to promote safety.

¹ In other words the first and second spaced stationary shafts 64 and 65 carry the two stationary ends 54 and 55 respectively. Each of the stationary ends presents a generally cylindrical surface 74 and 75 presenting an outer diameter D_1 , D_2 respectively. Furthermore each of the first and second stationary ends 54 and 55 are secured to the stationary shaft 64 and 65 by a variety of means including socket head set screws 58 located in the set screw holes 76 and 78 as shown. Alternate securing means can be used to secure the first and second stationary ends 54 and 55 to the stationary shaft 64 and 65 such as keyways, friction fit splines, adhesive and the like.

Since the reference fails to teach each and every element required by the claim, there is no anticipation. Withdrawal of the rejection is respectfully requested.

In view of the foregoing amendments and remarks, the application is believed to be in condition for allowance and a notice to that effect is respectfully requested.

Should the Examiner not find the Application to be in allowable condition or believe that a conference would be of value in expediting the prosecution of the Application, Applicant requests that the Examiner telephone undersigned Counsel to discuss the case and afford Applicant an opportunity to submit any Supplemental Amendment that might advance prosecution and place the Application in allowable condition.

Early and favorable consideration of the application is respectfully requested

Respectfully submitted,



Dated: March 14, 2006

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DC2-DOCS1-731774v3